

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed October 15, 2002. Applicants believe all pending claims, as originally submitted, are allowable over the references cited by the Examiner. Accordingly, Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections—35 U.S.C. § 102(e)

The Examiner rejected Claims 1-3, 5, 12-14, 16, 23-26, 33-36, 43-46, and 53-56 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,275,499, issued to Wynn et al. (“*Wynn*”). *Wynn* does not disclose, teach, or suggest Applicant’s claimed invention as recited in Claims 1-3, 5, 12-14, 16, 23-26, 33-36, 43-46, and 53-56.

Independent Claim 1 and Dependent Claims 2-3, and 5

Independent Claim 1 recites:

A communications device, comprising:
a backplane;
a plurality of backplane cards coupled to the backplane,
each backplane card assigned a standard-based network address;
and
a backplane switch coupled to the backplane and operable
to receive a first data packet with a first network address assigned
to a backplane card and to communicate the first data packet to
the backplane card using the backplane.

Wynn does not disclose, teach, or suggest “a plurality of backplane cards coupled to the backplane, each backplane card assigned a standard-based network address,” as recited in Claim 1. *Wynn* mentions control messages communicated by iPL subframes that include “a header whose destination addresses determine the card or cards that receive iPL subframes.” (Col. 9, ll. 9-10). *Wynn*, however, does not specify that the destination address is a “standard-based network address,” as recited in Claim 1. According to Applicants’ specification, a data network address is assigned according to a network protocol, which is “a set of rules that computers or other processing devices use to communicate over a local-area network (LAN), wide-area network (WAN), the Internet, or any other data network environment.” (p. 8, ll. 6-11). *Wynn* does not specify that the destination address mentioned in its specification is of a type that could be used

to communicate over a LAN, WAN, the Internet, or any other data network environment. To the contrary, *Wynn* indicates that it uses different types of transport for internal communication within delivery unit 10 and external communication between MTXI 105 and switching matrix 11a. (Col. 8, ll. 54-59). For at least this reason, independent Claim 1 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 1, together with those claims that depend from Claim 1.

Claims 2-3 and 5, which depend from independent Claim 1, are also patentable because, at a minimum, they includes the limitations of base Claim 1.

Claim 2 is also allowable over *Wynn* because *Wynn* does not disclose, teach, or suggest the additional limitations recited in Claim 2. Claim 2 specifies that “the standard-based network address is a Media Access Control (MAC) address.” Thus, claim 2 requires the each of the plurality of backplane cards recited in Claim 1 be assigned a “Media Access Control (MAC) address” and that “the backplane switch communicates the first data packet to the backplane card according to an Ethernet protocol.” While *Wynn* mentions Ethernet, *Wynn* indicates that Ethernet is used for external communications between delivery unit 10 and Ethernet hub 13, as opposed to internal communications among the cards within delivery unit 10. (See Figure 1). For this additional reason, dependent Claim 2 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 2.

Claim 3 is also allowable over *Wynn* because *Wynn* does not disclose, teach, or suggest the additional limitations recited in Claim 3. Claim 3 specifies that “the backplane switch is further operable to receive a second data packet with a second network address assigned to an external network device and to communicate the second data packet to the network device.” Thus, the backplane switch of Claim 2 is operable to “to communicate the first data packet to the backplane card using the backplane” (as recited in Claim 1) and “to communicate the second data packet to the network device” (as recited in Claim 2). The examiner does not identify a backplane switch in *Wynn* that can communicate a data packet to either a backplane card or an external network device according to the packet’s assigned network address. For this additional reason, dependent Claim 3 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 3.

Independent Claim 12 and Dependent Claims 13-14 and 16

Independent Claim 12 recites:

A method of communicating data packets using a plurality of backplane cards coupled to a backplane of a communications device, the method comprising:

assigning a standard-based network address to each backplane card;

receiving at a backplane switch a first data packet with a first network address assigned to a backplane card; and

communicating the first data packet from the backplane switch to the backplane card using the backplane.

Wynn does not disclose, teach, or suggest “assigning a standard-based network address to each backplane card,” as recited in Claim 12. As explained above with reference to independent Claim 1, *Wynn* does not specify that the destination address mentioned in its specification is of a type that could be used to communicate over a LAN, WAN, the Internet, or any other data network environment. To the contrary, *Wynn* indicates that it uses different types of transport for internal communications among the cards within delivery unit 10 and external communications between MTXI 105 and switching matrix 11a. (Col. 8, ll. 54-59). For at least this reason, independent Claim 12 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 12, together with those claims that depend from Claim 12.

Claims 13-14 and 16, which depend from independent Claim 1, are also patentable because, at a minimum, they includes the limitations of base Claim 1.

In addition, *Wynn* does not disclose, teach, or suggest the additional limitations recited in dependent Claim 13. Claim 13 recites “communicating the first data packet from the backplane switch to the backplane card using an Ethernet protocol, wherein the standard-based network address of each backplane card is a Media Access Control (MAC) address.” While *Wynn* mentions Ethernet, *Wynn* indicates that Ethernet is used for external communications between delivery unit 10 and Ethernet hub 13, as opposed to internal communication among the cards within delivery unit 10. (See Figure 1). For this additional reason, dependent Claim 13

is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 13.

Wynn also does not disclose, teach, or suggest the additional limitations recited in dependent Claim 14. Claim 14 further recites “receiving at the backplane switch a second data packet with a second network address assigned to an external network device” and “communicating the second data packet from the backplane switch to the network device assigned the second network address.” Thus, the method of Claim 14 includes “communicating the first data packet from the backplane switch to the backplane card using the backplane” (as recited in Claim 12) and “communicating the second data packet from the backplane switch to the network device assigned the second network address” (as recited in Claim 14). The examiner does not identify a backplane switch in *Wynn* that can communicate a data packet to either a backplane card or an external network device according to the packet’s assigned network address. For this additional reason, dependent Claim 14 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 14.

Independent Claim 23 and Dependent Claims 24-26

Independent Claim 23 recites:

A backplane card assigned a first network address and coupled to a backplane within a communications device, the card comprising:

an internal interface coupled to a backplane bus;
a communication module operable to receive a first data packet from the backplane bus using the internal interface if the first data packet’s destination address corresponds to the first network address, the communication module further operable to communicate a second data packet to another backplane card by associating the second data packet with a second network address assigned to the other backplane card and communicating the second data packet to the backplane bus using the internal interface.

Wynn does not disclose, teach, or suggest a backplane card “assigned a first network address,” as recited in Claim 23. As explained above with reference to independent Claim 1, *Wynn* does not specify that the destination address mentioned in its specification is of a type that

could be used to communicate over a LAN, WAN, the Internet, or any other data network environment. To the contrary, *Wynn* indicates that it uses different types of transport for internal communications within delivery unit 10 and external communications between MTXI 105 and switching matrix 11a. (Col. 8, ll. 54-59).

Furthermore, *Wynn* does not disclose, teach, or suggest a backplane card with “a communication module operable to receive a first data packet from the backplane bus using the internal interface if the first data packet’s destination address corresponds to the first network address” and “further operable to communicate a second data packet to another backplane card by associating the second data packet with a second network address assigned to the other backplane card and communicating the second data packet to the backplane bus using the internal interface.” The examine does not identify where *Wynn* discloses a backplane card with a communication module as recited in Claim 23. For at least these reasons, independent Claim 23 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 23, together with those claims that depend from Claim 23.

Claims 24-26, which depend from independent Claim 23, are also patentable because, at a minimum, they include the limitations of base Claim 23.

Wynn also does not disclose, teach, or suggest the additional limitations recited in dependent Claim 25. Claim 25 further specifies that “the first and second network addresses are Media Access Control (MAC) addresses” and that “the communication module receives the first data packet from the backplane bus and communicates the second data packet to the backplane bus according to an Ethernet protocol.” While *Wynn* mentions Ethernet, *Wynn* indicates that Ethernet is used for external communications between delivery unit 10 and Ethernet hub 13, as opposed to internal communications among the cards within delivery unit 10. (See Figure 1). For this additional reason, dependent Claim 25 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 25.

Independent Claim 33 and Dependent Claims 34-36

Independent Claim 33 recites:

A communications system, comprising:
a plurality of network devices, each network device assigned a network address;
a communications device, comprising:
a plurality of backplane cards coupled to a backplane, each backplane card assigned a network address; and
a backplane switch coupled to the backplane and the network devices, the backplane switch operable to receive a first data packet with a first network address assigned to a network device and, in response, to communicate the first data packet to the network device, the backplane switch further operable to receive a second data packet with a second network address assigned to a backplane card and, in response, to communicate the second data packet to the backplane card using the backplane; and
wherein the network devices are external to the communications device.

Wynn does not disclose, teach, or suggest “a plurality of backplane cards coupled to a backplane, each backplane card assigned a network address,” as recited in Claim 33. As explained above with reference to independent Claim 1, *Wynn* does not specify that the destination address mentioned in its specification is of a type that could be used to communicate over a LAN, WAN, the Internet, or any other data network environment. To the contrary, *Wynn* indicates that it uses different types of transport for internal communications among the cards within delivery unit 10 and external communications between MTXI 105 and switching matrix 11a. (Col. 8, ll. 54-59).

In addition, *Wynn* does not disclose, teach, or suggest “a backplane switch . . . operable to receive a first data packet with a first network address assigned to a network device and, in response, to communicate the first data packet to the network device, the backplane switch further operable to receive a second data packet with a second network address assigned to a backplane card and, in response, to communicate the second data packet to the backplane card using the backplane.” The examiner does not identify a backplane switch in *Wynn* that can communicate a data packet to either a backplane card or an external network device according to the packet’s assigned network address. For at least these reasons, independent Claim 33 is

patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 33, together with those claims that depend from Claim 33.

Claims 34-36, which depend from independent Claim 33, are also patentable because, at a minimum, they includes the limitations of base Claim 33.

Wynn also does not disclose, teach, or suggest the additional limitations recited in dependent Claim 35. Claim 35 further specifies that “the network addresses are Media Access Control (MAC) addresses” and that “the backplane switch communicates data packets to the network devices and backplane cards according to an Ethernet protocol.” While *Wynn* mentions Ethernet, *Wynn* indicates that Ethernet is used for external communications between delivery unit 10 and Ethernet hub 13, as opposed to internal communications among the cards within delivery unit 10. (See Figure 1). For this additional reason, dependent Claim 35 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 35.

Independent Claim 43 and Dependent Claims 44-46

Independent Claim 43 recites:

A method of communicating data using a communications device, the communications device including a backplane coupled to a backplane switch and a plurality of backplane cards, the backplane switch coupled to at least one network device external to the communications device, the method comprising:

assigning a network address to each backplane card and the external network device;

receiving, at the backplane switch, data associated with a network address;

communicating the data from the backplane switch to the external network device if the associated network address is assigned to the network device; and

communicating the data from the backplane switch to a backplane card using the backplane if the associated network address is assigned to the backplane card.

Wynn does not disclose, teach, or suggest “assigning a network address to each backplane card,” as recited in Claim 43. As explained above with reference to independent Claim 1, *Wynn* does not specify that the destination address mentioned in its specification is of a type that could be used to communicate over a LAN, WAN, the Internet, or any other data network environment.

To the contrary, *Wynn* indicates that it uses different types of transport for internal communications among the cards within delivery unit 10 and external communications between MTXI 105 and switching matrix 11a. (Col. 8, ll. 54-59).

In addition, *Wynn* does not disclose, teach, or suggest “communicating the data from the backplane switch to the external network device if the associated network address is assigned to the network device” and “communicating the data from the backplane switch to a backplane card using the backplane if the associated network address is assigned to the backplane card,” as recited in Claim 43. The examiner does not identify a backplane switch in *Wynn* that can communicate a data packet to either a backplane card or an external network device according to the packet’s assigned network address. For at least these reason, independent Claim 43 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 43, together with those claims that depend from Claim 43.

Claims 44-46, which depend from independent Claim 43, are also patentable because, at a minimum, they includes the limitations of base Claim 43.

Wynn also does not disclose, teach, or suggest the additional limitations recited in dependent Claim 45. Claim 45 further specifies that “the network address assigned to each backplane card and the external network device is a Media Access Control (MAC) address.” While *Wynn* mentions Ethernet, *Wynn* indicates that Ethernet is used for external communications between delivery unit 10 and Ethernet hub 13, as opposed to internal communications among the cards within delivery unit 10. (See Figure 1). For this additional reason, dependent Claim 45 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 45.

Independent Claim 53 and Dependent Claims 54-56

Independent Claim 53 recites:

A backplane switch coupled to a backplane of a communications device, the communications device having a plurality of backplane cards coupled to the backplane, the backplane switch comprising:

a plurality of internal ports, each internal port associated with a backplane card and operable to communicate with the associated backplane card using the backplane;

at least one external port associated with a network device external to the communications device and operable to communicate with the external network device; and

a processing module coupled to the internal ports and the external port, the processing module operable to receive a first data packet with a first network address assigned to the network device, to identify the external port associated with the network device, and to communicate the first data packet to the external port for communication to the network device, the processing module further operable to receive a second data packet with a second network address assigned to a backplane card, to identify an internal port associated with the backplane card, and to communicate the second data packet to the identified internal port for communication to the backplane card.

Wynn does not disclose, teach, or suggest “the processing module operable to receive a first data packet with a first network address assigned to the network device, to identify the external port associated with the network device, and to communicate the first data packet to the external port for communication to the network device, the processing module further operable to receive a second data packet with a second network address assigned to a backplane card, to identify an internal port associated with the backplane card, and to communicate the second data packet to the identified internal port for communication to the backplane card,” as recited in Claim 53. The examiner does not identify a backplane switch in *Wynn* that can communicate a data packet to either an “external port for communication to the network device” or an “internal port for communication to the backplane card” according to the packet’s assigned network address. For at least these reason, independent Claim 43 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 53, together with those claims that depend from Claim 53.

Claims 54-56, which depend from independent Claim 53, are also patentable because, at a minimum, they includes the limitations of base Claim 53.

Wynn also does not disclose, teach, or suggest the additional limitations recited in dependent Claim 55. Claim 55 further specifies that “the first and second network addresses are

Media Access Control (MAC) addresses" and that "each internal port communicates data packets to the associated backplane card according to an Ethernet protocol." While *Wynn* mentions Ethernet, *Wynn* indicates that Ethernet is used for external communications between delivery unit 10 and Ethernet hub 13, as opposed to internal communications among the cards within delivery unit 10. (See Figure 1). For this additional reason, dependent Claim 55 is patentable over *Wynn*. Accordingly, Applicants respectfully request reconsideration and the allowance of Claim 55.

Claim Rejections—35 U.S.C. § 103(a)

The Examiner rejects Claims 4, 15, 27, and 57 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,275,499 issued to *Wynn*, in view of U.S. Patent 6,216,167 issued to *Bare* ("*Bare*").

The Examiner rejects Claims 6-8, 10, 17-18, 19, 21, 28-29, 31, 37-39, 41, 47-49, 51, and 58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,275,499 issued to *Wynn*, in view of *Bare* and further in view of U.S. Patent 6,157,649 issued to *Peirce* ("*Peirce*").

The Examiner rejects Claims 9, 20, 30, 40, and 50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,275,499 issued to *Wynn*, in view of U.S. Patent 6,205,149 issued to *Lemaire* ("*Lemaire*").

The Examiner rejects Claims 11, 22, 32, 42, 52, and 59 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,275,499 issued to *Wynn*, in view of U.S. Patent 6,426,952 issued to *Francis* ("*Francis*").

Bare, *Peirce*, *Lemaire*, and *Fancis* fail to disclose the limitations of independent Claims 1, 12, 23, 33, 43, and 53 that, as discussed above, are missing from *Wynn*. As a result, because dependent Claims 4, 6-11, 15, 17-22, 27-32, 37-42, 47-52, and 57-59 include the limitations from their base Claims 1, 12, 23, 33, 43, and 53, dependent claims 4, 6-11, 15, 17-22, 27-32, 37-42, 47-52, and 57-59 are patentable over the Examiner's proposed combinations.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. In light of the Remarks set forth above, Applicants respectfully request further examination and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, Applicants invite the Examiner to contact the undersigned attorney at the Examiner's convenience at (214) 953-6791.

Although Applicants believe that no fees are due, Applicants authorize the Commissioner to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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